



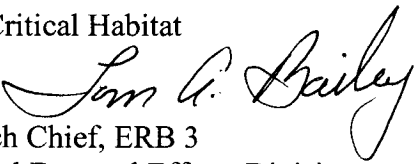
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

June 20, 2008

MEMORANDUM

SUBJECT: Effects Determinations for EPTC Relative to the California Red-Legged Frog and Designated Critical Habitat

FROM: Tom Bailey 
Acting Branch Chief, ERB 3
Environmental Fate and Effects Division

TO: Arthur-Jean B. Williams, Associate Director
Environmental Fate and Effects Division

Attached is the assessment of potential direct and indirect effects to the California red-legged frog (CRLF) and potential modification to designated critical habitat from uses of the herbicide EPTC. While the Endangered Species Act requires we assess uses of pesticides relative to any potentially affected listed species, this assessment focuses only on the CRLF, including designated critical habitat, addressing provisions of a settlement agreement entered into by the federal government to resolve claims made by plaintiffs against EPA in a court case (CBD v. EPA¹).

The attached assessment was conducted consistent with the Agency's Overview Document². Effects determinations for this assessment are summarized below:

- Based on the best available information, the Agency makes a Likely to Adversely Affect determination for the CRLF from the use of EPTC. Additionally, the Agency has determined that there is the potential for modification of CRLF designated critical habitat from the use of the chemical. Based on the predicted environmental exposures and the available toxicity information, EPTC is likely to adversely affect the aquatic-phase CRLF via direct effects and via indirect effects via reduction in prey (non-vascular plants, fish, amphibians) and habitat (terrestrial plants). EPTC is also likely to adversely affect the terrestrial-phase CRLF via direct effects and indirect effects on prey (mammals, amphibians, terrestrial invertebrates) and habitat (terrestrial plants). EPTC is predicted to result in modification to one or more CRLF critical habitat Primary Constituent Elements. For a summary of effects determinations, please see Tables 1.1 and 1.2 in the executive summary.

¹ Settlement agreement of October 20, 2006: Center for Biological Diversity v. United States Environmental Protection Agency. Civ. No: 02-1580-JSW(JL)).

² Overview of the Ecological Risk Assessment: Process in the Office of Pesticide Programs, U.S. Environmental Protection Agency: Endangered and Threatened Species Effects Determinations: January 23, 2004.

As required by the Alternative Consultation Agreement EPA entered into with the U.S. Fish and Wildlife Service and National Marine Fisheries Service (Services), I have been trained by the Services to make such determinations. Additionally, this assessment was subjected to internal Agency peer review throughout its development. The review panel included one other scientist who has been trained by the Services to make such determinations (Greg Orrick).

Please let me know if you have any questions regarding this assessment and effects determination for EPTC relative to the CRLF and its designated critical habitat.

cc: Steven Bradbury
Debbie Edwards

Attachments